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Forestburgh being sued over Lost Lake development

By Fred Stabbert III

FORESTBURGH – Litigation is being brought against the Town of Forestburgh and two town officials by Lost Lakes Holdings LLC (LLH) and Mishconos Mazah LLC (MM).

The lawsuit comes after altercations erupted at last month's board meeting between attorneys for the development and the town regarding an adopted three-month moratorium on building permits and claims of misuse of escrow account funds.

According to papers filed in State Supreme Court on February 28 and served this past Friday afternoon to town officials, the developers of Lost Lake Development are suing the Town of Forestburgh over what they claim is the unlawful use and misappropriation of the Lost Lake escrow account.

The filing also names Town Supervisor Daniel Hogue and Town Planning Board Chair Richard Robbins, both professional and individually, as defendants.

Attorney Javid Afzali of Harris Beach, PLLC, is representing the town in the lawsuit and he said yesterday morning that he was planning to meet with town officials yesterday to form a response.

The response, which was not ready at presstime, will appear in Friday's Democrat.

The plaintiffs in the case are Lost Lake Holdings LLC (LLH) and Mishconos, LLC, (MM), which are owned by Hasidic Jewish investors.

In July 2020, LLH and MM purchased the development, which included the Project Site and all right, title and interest to the Project and its approvals, including the Planned Development District rezoning and the Phase 1 approvals.

Pursuant to the purchase, LLH and MM also became the beneficiaries of the funds held in trust by the town in the Lost Lake Escrow.

According to the suit, the Lost Lake Escrow account was established according to Forestburgh Town Law and was designed to pay for professional consultant fees in connection with the review of the development.

Last month, the town Board adjourned their February Regular Town Board meeting stating they planned on proposing a resolution that would amend the escrow account law in place.

However, the suit further alleges that when the purchase of the project by members of the Hasidic Jewish community became known, Supervisor Hogue and Planning Board Chair Robbins colluded to cause the misappropriation and misuse of the Lost Lake Escrow for multiple unlawful purposes.

The suit claims town officials used that money to hire special counsel – Javid Afzali of the law firm Harris Beach – for legal services regarding the project, although no applications for building permits had yet been filed.

The suit further claims that Mr. Robbins, with Mr. Hogue's consent, recommended that attorney Charles Voss be retained to provide planning and related consulting services to the Planning Board regarding the project. The town board approved all hirings, the suit claims.

How it all began

According to the suit, the Lost Lake Escrow was established in 2008 when the former owner of the Project Site applied for a Planned Development District (PDD) rezoning of the project site for the seven-phase Lost Lake Development.

The Town Board approved the PDD rezoning in 2011 and granted subdivision and site plan approval for Phase 1 of the Project in 2013.

Since the approvals, there have been no more applications to the Town Board or Planning Board for any project-related approvals.

The site, which LHH and MM believed was shovel-ready, required only building permits for home construction to commence.

However, after the second building permit application was filed in the summer of 2021, the plaintiffs allege the consultants (attorneys) work shifted to delaying, obstructing and eventually causing the pretextual denial of that building permit application and subsequent applications.

The suit claims Supervisor Hogue and Planning Board Chair Robbins colluded to misuse the escrow account for two principal unlawful purposes:

to obstruct, delay, and, if possible, prevent the members of the Hasidic Jewish Community from purchasing homes in Lost Lake by delaying, obstructing and preventing issuance of building permits for construction of homes that Rabbi Halberstam, principal of LLH and MM, intended to offer at a reasonable rate to members of the Hasidic Jewish Community; and

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CONSTRUCTION OF HOMES THAT HADN'T PREVIOUSLY BEEN PERMITTED BY LLH AND MM, intended to offer at a reasonable rate to members of the Hasidic Jewish Community; and

- to obstruct, interfere with, and deprive LLH and MM of their vested property rights in and to the PDD Zoning and Phase 1 approvals by depriving them the ability to build homes.

The suit seeks to have the town repay funds back to the escrow account that were allegedly unlawfully disbursed and to prevent further expenditures from the account unless those costs are for expenses described in town law.

The suit is also seeking cost and reasonable attorneys' fees associated with the suit and the repeal of the three-month moratorium law passed at the last meeting.

Two letters – one on November 12 and the other on January 21 – from the developers to the town demanding an accounting of the Lost Lake Escrow account and return of funds expended went unanswered.

Supervisor Dan Hogue did not return a call for comment.

Photo

At the public hearing on February 3, many voices made clear their opinions before the Board eventually voted in favor of passing the three-month moratorium.

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Forestburgh being sued over Lost Lake development

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Harriet J Dorfman
Unfortunately yet another bait and switch. This is not anti-semitism. It has to do with high density housing in a rural community. It has to do with the tax base. Look at public school systems in other areas where the school boards are taken over and a public school education is ruined but private schools thrive. It is a problem that only zoning restrictions based on acreage can solve. Rural areas should be at least 1 acre zoning. Just my .02.

Errol Northcote
How are the roads

Jill Furman
A representative clearly stated at a Town of Wawarsing public board meeting they didn't care if they had to sue the town to get what they wanted because they have the money and the lawyers to represent them. St. Micheal pray for us.

Rut Abe
Jill Furman exactly. Because the town has to follow the law . Or will have to face court!

Daisy Green
Rut Abe what's your point exactly? I took her comment as rules are being followed but someone didn't like it so they will do everything to get their way.

Rut Abe
Daisy Green they didn't! They changed zoning laws to make it hard for religious camps to operate. You can't fight in court unless you can prove wrong .

Daisy Green
Rut Abe well if that's the case then I'd be angry too.

Jason Spirtwolf
Rut Abe full of stinky doo doo, as always

Write a public reply...

Jessica Quick Welsh
Smh. Just stop. Put your energy into something else. It's like beating a dead horse. Don't like it? Be the change, work for the change or move on. Your viper words biting out of a keyboard will only go so far... attend the meetings, investigate the issues and take it to those who can help you - not a bunch of wanna be lawyers, real estate experts and non-zoning & planning nerds. This area needs green zones, land conservation, open space delineations and preservation of forestry & nature

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Can help you - find a bunch of winning lawyers, real estate experts and non-zoning & planning nerds. This area needs green zones, land conservation, open space delegations and preservation of forestry & nature reserves.

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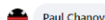
Rob Von
Good for the town sticking up for themselves and the town people maybe certain people didn't practice shady business no one would bother them but after what happened in bloomingburgh town told luxury senior condos were being built only to turn out it was a mini palm tree or maybe like in Monroe where the town granted certain groups permission to replace a 6 inch water pipe to a 8 or 10 inch one to feed there growing town. They went ahead and put a 16 inch pipe in shady people shady building practice

Like Reply Share 1w Edited



Rut Abe
Glad they're fighting for their civil rights. Hope a hugh federal lawsuit will follow. The rednecks here think they're above the law

Like Reply Share 1w



Paul Chanov
Rut Abe no its the other people who think they are above the law because GOD forbid you don't want them living near you that makes you anti sematic look what happened in Bloomingburg how corrupt they turned out to be

Like Reply Share 1w



Rut Abe
Paul Chanov I have no idea about Bloomingburg. There's a few 100 thousand orthodox jewish people living in seasonal homes in Sullivan County. To compare all in the same boat is wrong

Like Reply Share 1w



Daniel W Dennison
Rut Abe build a house right next to my pig farm you can help me feed them

Like Reply Share 4d



Jason Spiritwolf
Rut Abe they are all in the same boat. They are the same cult. controlled by the same people. Mr. Rutberg here drinks too much shmutz

Like Reply Share 4d



Jackie Gold Grossman
Who don't you want living near you?

Like Reply Share 4d Edited



Don Weigand
Anything new in Sullivan County,1 day in the near future there will be 1 tax payer left,what a tax bill that poor soul will be handed!

Like Reply Share 6d



Rut Abe
Don Weigand Really? Suggestion. Move before its too late

Like Reply Share 6d



Don Weigand
Rut Abe Hope the bill is handed right to YOU,then you will understand what is going on,you can't be that stupid or are you?

Like Reply Share 6d



Jackie Gold Grossman
Read the budget.

Like Reply Share 4d



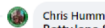
Chris Hummel
Wow, just look at all the anti- semitic comments. Why can't we all just get along??

Like Reply Share 6d



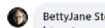
BettyJane Stevens [Author](#)
Wow, some of these comments are terrible ! Aren't some of you embarrassed by what you write ?

Like Reply Share 6d



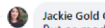
Chris Hummel
BettyJane Stevens exactly, definitely anti semitic

Like Reply Share 6d



BettyJane Stevens [Author](#)
I treat everyone with respect regardless if you like me or not.

Like Reply Share 6d



Jackie Gold Grossman
But as moderator of this post you consistently allow hate speech. Why do you allow it?

Like Reply Share 5d



BettyJane Stevens [Author](#)
I don't " allow" hate speech. I do "allow" people to comment as to see your fellow neighbors and how they " really" feel. If you don't like that I'm sorry. That's all I'm going to say.

Like Reply Share 5d



Jackie Gold Grossman
Why don't you state the facts about how much real estate taxes summer resident pay? How much they support the Sullivan county budget. How they support the schools. Posters here really believe we

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about hate speech. Why do you allow it?

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BettyJane Stevens Author
I don't "allow" hate speech. I do "allow" people to comment as to see your fellow neighbors and how they "really" feel. If you don't like that I'm sorry. That's all I'm going to say.

Like Reply Share 5d

Jackie Gold Grossman
Why don't you state the facts about how much real estate taxes summer resident pay? How much they support the schools. Posters here really believe we don't pay taxes. And they openly say they don't want us here. Because we are Jewish. You think that ok?

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BettyJane Stevens Author
Why are you never on any other posts on this page? The minute I say something you are right there. Do you have a crush on me? It's ok I won't tell anyone

Like Reply Share 4d Edited

Jackie Gold Grossman
Ever notice that posts concerning Jews on this page have more comments than most other subject matters?

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Write a public reply...

Chris Hummel
We all knew this was coming, no shocker here!

Like Reply Share 1w


Rut Abe
Chris Hummel Much more is probably coming. This is just the beginning probably

Like Reply Share 1w

Judy Knapp
Chris Hummel yes a lot of homes with no tax on the tax roll. People can fight but on the end they always win.

Like Reply Share 6d

Rut Abe
Judy Knapp



Like Reply Share 6d

Daniel W Dennison
Rut Abe it's sad they take beautiful Woods and turn them into trash dumps

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Jackie Gold Grossman
We took a trash dump and turned it into luxury homes

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Write a public reply...

June Loperfido
This was expected and the town will pay, the development will still happen and the town loses way more than they would if they just followed their own rules.

Like Reply Share 1w

Shaw Stack
We need to tell the rest of the country wants going on in New York State

Like Reply Share 1w

Rut Abe
Shaw Stack And the justice department

Like Reply Share 6d

Jackie Gold Grossman
They are not embarrassed. They are emboldened by fellow haters. Isn't that the reason you allow hate speech

Like Reply Share 4d Edited

Jackie Gold Grossman
Tell them what?

Like Reply Share 4d

Write a public reply...

Jason Spiritwolf
People only hate them because they are Jewish. No other reason. They are righteous and pious and good.

Like Reply Share 4d

Write a comment...

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